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September 23, 2010

BY HAND

Roy Q. Luckett
Acting Assistant General Counsel
Federal Election Commission
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FEDERAL ELECTION
COMMISSION
2010 SEP 24 AM 11:44
OFFICE OF GENERAL
COUNSEL

Re: MUR 6215

Dear Mr. Luckett:

We are writing this letter on behalf of Friends for Harry Reid (the "Committee") and Claude Zobell, as treasurer, (collectively referred to as the "Respondents") in response to your letter, dated August 17, 2010, regarding the above-referenced matter. For the reasons set forth below, procedural and substantive flaws render further action against Respondents unsupportable.

First, in its August 17 letter, the Commission informed Respondents that it had information indicating that Respondents "may have violated 2 U.S.C. § 441b, which prohibits knowing acceptance or receipt of corporate contributions." Yet no sworn complaint alleging such violation was ever sent to Respondents as required under 2 U.S.C. § 437g(a)(1). Indeed, this is the first time Respondents have received any notice that the Committee is alleged to have knowingly accepted prohibited corporate contributions. The original Complaint in this matter, filed by Randy Spitzmesser, made no mention of Respondents accepting corporate contributions.

Second, contrary to the statement in the August 17 letter that the Commission "has ascertained information in the normal course of carrying out its supervisory responsibilities," Respondents have reason to believe that the source of the Commission's allegations may have been a submission by representatives of Tate Snyder Kimsey Architects. Acting on the basis of an unsworn submission directed at another person does not comply with the spirit or the letter of 2 U.S.C. § 437g. Nor does such a submission excuse the Commission from its obligation to verify

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that a complaint meets the statutory requirements of 2 U.S.C. § 437(g) and to provide the sworn complaint to the person alleged to have committed a violation.

Respondents cannot be expected to respond to new allegations in this matter without receiving a sworn complaint consistent with the requirements of 2 U.S.C. § 437(g). Unless the Commission is able to present Respondents with a sworn complaint from the person who has made these new allegations against them, any further efforts to pursue Respondents will be considered in violation of 2 U.S.C. § 437g and Respondents' right to due process. At a minimum, before we can respond further, we would need copies of whatever "information in the Commission's possession" you refer to in your August 17 letter. Please forward these materials as soon as possible.

Very truly yours,



Marc Erik Elias
Kate Sawyer Keane
Counsel to Friends for Harry Reid and Claude Zobel, Treasurer